

Message Text

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ACTION SCS-06

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AMCONGEN HAMBURG
AMEMBASSY LONDON

UNCLAS BARCELONA 0071

E.O. 11652: N/A
TAGS: CASC, (ROWE, STEPHEN CHARLES)
SUBJ: WW STEPHEN CHARLES ROWE, 2/22/38 NEW YORK

REF: A STATE 021217 (NOTAL). B. HAMBURG 0139 (NOTAL)

1. BASED UPON HAMBURGS MESSAGE - REFTEL B - THERE APPEARS
LITTLE DOUBT THAT TRIMARAN FOUND IS THAT BELONGING TO
STEPHEN C. ROWE.

2. WITH RESPECT TO QUESTIONS POSED BY DEPARTMENT, SPANISH
AUTHORITIES HAVE REPLIED AS FOLLOWS:

A. TRIMARAN DISCOVERED ON DECEMBER 11, 1977. THEIR WRITTEN
REPORT, POSTMARKED JANUARY 11, 1978, RECEIVED JANUARY 25
BY CONSULAR AGENT, MALLORCA.

B. MONTHS OF NOVEMBER AND DECEMBER SAW SEVERAL STORMS OF
VARYING INTENSITY AND DURATION. MEDITERRANEAN SEA
CONTINUOUSLY ROUGH THIS TIME OF YEAR AND SQUALLS AND
VIOLENT STORMS OF SHORT DURATION ARE COMMON.

C. SPANISH AUTHORITIES STATE THAT NO ORGANIZED SEARCH WAS
CONDUCTED BECAUSE IT WAS EVIDENT FROM BARNACLES ALREADY
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ATTACHED TO WOODEN MAST THAT BOAT HAD BEEN IN CAPSIZED
POSITION AT LEAST THREE WEEKS. NEVERTHELESS, ALL VESSELS
IN THE AREA WERE ALERTED.

D. CONSULAR AGENT ON MALLORCA IS CHECKING THROUGH GUARDIA
CIVIL ALL HOTEL REGISTRATIONS ON THREE MAIN ISLANDS.
HOWEVER, AS THIS IS TIME CONSUMING TASK THIS PHASE WILL BE

REPORTED BY SEPTTEL.

E. THERE IS NO INDICATION THAT ROWE WAS ACCOMPANIED BY OTHER PERSONS. BRITISH, W, GERMAN AND DUTCH CONSULATES IN THIS CITY REPORT THEY HAVE NOT RECEIVED ANY W/W REQUESTS WHICH COULD BE CONSTRUED AS INVOLVING PERSONS POSSIBLY LOST AT SEA. IT APPEARS ROWE WAS SAILING ALONE.

3. FOLLOWING IS SYNTHESIS OF SPANISH LAW CONCERNING PRESUMPTION OF DEATH IN THIS TYPE OF CASE:

A. AT ANY TIME AFTER THE PERSON IS DECLARED MISSING, A LEGAL PROCEEDING MAY BE FILED WITH A COURT OF FIRST INSTANCE AND INSTRUCTION IN ORDER TO OBTAIN AN OFFICIAL DECLARATION OF DEATH. IF SUCH A DOCUMENT IS ISSUED BY THE COURT, THE DEATH MAY BE INSCRIBED IN THE SPANISH CIVIL REGISTRY AND AN OFFICIAL SPANISH DEATH CERTIFICATE OBTAINED. THIS PROCEDURE IS RARELY UTILIZED SINCE AS LONG AS THE BODY OF THE DECEASED IS NOT DISCOVERED THE COURTS WILL NOT NORMALLY DECLARE THE MISSING PERSON DEAD.

B. AN INTERESTED PARTY MAY INITIATE LEGAL ACTION BEFORE A COURT OF FIRST INSTANCE AND INSTRUCTION TO OBTAIN A

DECLARATION OF PRESUMPTIVE DEATH. HOWEVER, TWO YEARS MUST HAVE PASSED SINCE THE INDIVIDUAL WAS DECLARED MISSING
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BEFORE SUCH AN APPLICATION WILL BE ACCEPTED BY THE COURT. IN SUCH A CASE THE DECLARATION OF PRESUMPTIVE DEATH DOES NOT CONSTITUTE AUTHORITY TO INSCRIBE THE DEATH IN THE SPANISH CIVIL REGISTRY AND, THEREFORE, AN OFFICIAL SPANISH DEATH CERTIFICATE S NOT AVAILABLE.

4. AUTHORITIES REPORT THAT TRIMARAN HAS SUBSTATIAL SALVAGE VALUE. DEPT. MAY WISH TO FURNISH NOK WITH LIST OF ATTORNEYS FOLLOWING COLLATION OF DATA.

5. FOR LONDON: SPANISH AUTHORITIES HAVE REPORTED FINDING DOCUMENTS WHICH REFLECT PURCHASE OF THE TRIMARAN, IN JULY 1977, FROM MR. A.G. SMITH, DIRECTOR, SANDWICH YACHT CLUB, SANDWICH MARINA, SANDWICH, KENT. PLEASE ATTEMPT TO VERIFY AND PURNISH SPECIFICATIONS FOR COMPARISON.
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